

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN THE MATTER OF THE COMPLAINT

Of

HON. JUDGE JOHN F. KEENAN

**NOTICE OF MOTION
TO DISMISS
PURSUANT TO
FED. R. CIV. P. 12
OR FOR
SUMMARY JUDGMENT
PURSUANT TO
FED. R. CIV. P. 56**

JULES ABADI, as owned of vessel M/V
PLAYPEN for Exoneration from or Limitation of
Liability,

07 Civ. 9575

Petitioner.
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TO: Rubin, Fiorella & Friedman, LLP
292 Madison Avenue
New York, NY 10017
Attorneys for Defendant JULES ABADI


PLEASE TAKE NOTICE that on this date plaintiff SUSAN GARVEY, by her undersigned counsel, THE YANKOWITZ LAW FIRM, P.C., has filed a notice of motion in the office of the Clerk of the United States District Court for the Southern District of New York, for an order dismissing this action. This motion is made on the grounds that:

1. The United States District Court for the Southern District of New York lacks subject matter jurisdiction of the action herein.
2. The Petitioner herein has failed to state a claim upon which relief can be granted.
3. The Petitioner is not entitled to exoneration from or limitation of liability as a matter of law.

Plaintiff also moves the Court for an order, directing defendant to pay all costs and attorneys fees plaintiff has incurred as a result of defendant's frivolous and meritless

commencement of this action in disregard of the Order of Hon. Justice Louis L. Stanton dated October 18, 2007.

Dated: Great Neck, NY
December 28, 2007



THE YANKOWITZ LAW FIRM, P.C.
Attorneys for SUSAN GARVEY

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